

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED
FEB 17 2012
CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN MICHIGAN

BARBARA FLIS, as Personal Representative
of the Estate of **FRANK PATAK**, Deceased

Plaintiff,

Case No. 11-cv-12002-MOB-MKM
Hon Marianne O. Battani

v.

SUNRISE SENIOR LIVING MANAGEMENT, INC.,
a Delaware corporation,

Defendant.

ISHBIA & GAGLEARD, P.C.
Michael A. Gagleard (P24797)
Attorney for Plaintiff
251 Merrill Street, 2nd Floor
Birmingham, MI 48009
(248) 647-8590

SULLIVAN, WARD, ASHER & PATTON, P.C.
Jonathan M. Jaffa (P23717)
Attorney for Defendant
P.O. Box 222
Southfield, Michigan 48075
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ORDER: A) APPROVING SETTLEMENT OF WRONGFUL DEATH CLAIM; B) GIVING PERSONAL REPRESENTATIVE FULL AND ALL AUTHORITY TO SIGN RELEASE(S) AND ALL SETTLEMENT PAPERWORK RELATED THERETO; C) APPROVING OF AND FOR THE REIMBURSEMENT OF LITIGATION COSTS AND EXPENSES AND APPROVING OF AND FOR THE PAYMENT OF ATTORNEY FEES; D) APPROVING OF AND FOR DISTRIBUTION OF WRONGFUL DEATH PROCEEDS; AND E) ORDER OF DISMISSAL

At a session of said Court, held in
the City of Detroit, Wayne County, Michigan
on FEB 17 2012

PRESENT: HON. MARIANNE O. BATTANI
DISTRICT COURT JUDGE

ISHBIA & GAGLEARD, P.C.
ATTORNEYS AND COUNSELORS
MERRILLWOOD BUILDING
251 MERRILL STREET
SECOND FLOOR
BIRMINGHAM, MI 48009
(248) 647-8590

This matter, having come to the Court's attention by way of the Plaintiff/Personal Representative's Motion For: A) Request for Approval of and Full Authority to Sign Releases and All Settlement Paperwork Related to the Settlement of the Wrongful Death

Claim; B) Approval of and Request for Reimbursement of Litigation Costs and Payment of Attorney Fees; and C) Approval of and Request for Distribution of Wrongful Death Proceeds, a hearing having been conducted in this matter, all Parties and heirs at law and/or next of kin or other interested party(ies) having been notified of said hearing, with there being no objections to the Motion or the relief requested in the Motion as filed, and the Court otherwise being fully advised in the premises;

IT IS HEREBY ORDERED that the Plaintiff/Personal Representative's Motion For: A) Request for Approval of and Full Authority to Sign Releases and All Settlement Paperwork Related to the Settlement of the Wrongful Death Claim; B) Approval of and Request for Reimbursement of Litigation Costs and Payment of Attorney Fees; and C) Approval of and Request for Distribution of Wrongful Death Proceeds, as proposed, **BE, AND THE SAME IS HEREBY GRANTED;**

IT IS FURTHER HEREBY ORDERED that the proposed settlement as agreed upon between the Parties with respect to the underlying gross negligence/wrongful death claim is fair, reasonable and is in the best interest of the Estate and **IS HEREBY APPROVED BY THIS COURT;**

IT IS FURTHER HEREBY ORDERED that the settlement proposed by the Parties, the terms of which are confidential and were presented to this Court by Confidential "**Exhibit A**", is hereby approved; the Court expressly finding that the settlement is in the best interest of the Estate of Frank Patak, the Personal Representative, and the heirs of the Estate of Frank Patak;

IT IS FURTHER ORDERED that the Plaintiff/Personal Representative is hereby fully authorized by this Court to settle the medical malpractice/wrongful death claim and

is further given the full authority by this Court to sign the release(s) and any and all settlement paperwork related thereto to effectuate the settlement;

IT IS FURTHER ORDERED that this Court does approve of and certifies that the law firm of Ishbia & Gagleard, P.C. shall be reimbursed for its litigation costs and expenses in the amount reflected in Confidential "**Exhibit A**", and which litigation costs and expenses are found by this Court to be fair and reasonable, and that the same shall be paid **FORTHWITH**;

IT IS FURTHER ORDERED that this Court does approve of and certifies that the law firm of Ishbia & Gagleard, P.C. shall be paid its attorney fees in the amount reflected in Confidential "**Exhibit A**", and which attorney fees are found by this Court to be fair and reasonable and which constitute one-third (1/3) of the net amount once the litigation costs and expenses have been deducted, and that the same shall be paid **FORTHWITH**;

IT IS FURTHER ORDERED that the settlement of this case is a settlement of a wrongful death claim with no portion thereof being received by the Estate as reimbursement for conscious pain or suffering endured by the Decedent, if any, in that no monies shall be paid to the Estate for reimbursement for any conscious pain and suffering endured by the Decedent, if any;

IT IS FURTHER ORDERED that with respect to the net remainder of the wrongful death proceeds, said net proceeds are approved and shall be distributed as reflected in Confidential "**Exhibit A**", to be distributed **FORTHWITH**;

IT IS FURTHER ORDERED that this Court does approve of and certifies that the breakdown of funds, as determined at the time of the hearing of this matter by this Court and/or as reflected in Confidential "**Exhibit A**", shall be paid and/or distributed **FORTHWITH** as set forth herein and as determined at the time of the hearing.

IT IS FURTHER ORDERED that this approved settlement between the parties is full and final; that Defendants shall be and are hereby dismissed as parties in this litigation, and that the action against Defendants are therefore dismissed with prejudice, and no costs, interest or fees shall be taxed for or against the Plaintiff and the dismissed Defendants in this action, thereby resolving the last pending claim and closing this matter.

ENTRY OF THIS ORDER AT THIS TIME DOES ADMINISTRATIVELY CLOSE THIS CASE.


DISTRICT COURT JUDGE